

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

Date: July 27, 1994

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Notice of Violation #33673

Dear Ms. Gilpin,

Notice of Violation #33673 requires a response from Ash Grove on PSAPCA's allegation that cement clinker is being deposited on vehicles parked along 48 South Nevada Street.

Ash Grove Cement Company believes that this particulate is not cement clinker originating from the Seattle Plant as claimed and requests copies of your inspection reports and sampling procedures and laboratory documents, analytical procedures and results used to form your conclusion. We also request a sample of the material PSAPCA used for analysis.

Since June 1994, we have offered and provided technical assistance to PSAPCA for determining the composition of the particulate. Since we are convinced that this facility is not the origin of the problem, we hoped that this information would prove helpful for identifying the source. This assistance included analyzing particulate samples taken at 48 South Nevada Street at the request of Mr. Tom Hudson, PSAPCA. The results were documented in letters to Tom Hudson dated July 1, 1994 and July 28, 1994 and show this material to be similar to common road or soil type material. These are verifiable results.

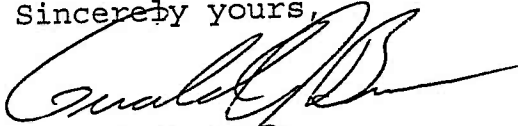
On May 19, 1995, our Chief Chemist provided procedures for chemical analysis of either cement or clinker along with his offer for further assistance and service as well as the data on our clinker chemistry you requested. These procedures included the ASTM full wet method of chemical analysis and our internal procedures.

Ash Grove Cement has taken and will continue to take steps wherever possible to minimize adverse impacts and benefit our neighbors and community. We have enclosed the clinker pan conveyer, purchased a water truck with which along with road sweepers maintain our paved roads clean and maintain dust collectors to insure efficient filtration. Currently, we have begun a plant paving project which includes the remaining portion of surfaced road.

AGCS2M000370

The Seattle Plant will continue to cooperate with PSAPCA in resolving this issue and work to benefit our community but we are not the source of this problem. There are many sources in the vicinity which contribute significantly to the deposition of sand/soils at this location.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gerald J. Brown", written over the typed name.

Gerald J. Brown
Manager, Safety and Environment

cc: ESP
HES
MC

**PUG SOUND AIR POLLUTION CONTROL AGENCY
INSPECTION/COMPLAINT REPORT FOR**

| | | | | |
|---------------|---------------|------------------|-------------|----|
| ROUTING LIST: | 1. <u>R6R</u> | 2. <u>MM MWH</u> | 3. <u>3</u> | 4. |
|---------------|---------------|------------------|-------------|----|

CASE#: 95500560-1 ☐ Smoke ☐ Odor ☐ Fire ☐ Dust/Fallout ☐ WD Stove ☐ Asbestos ☐ Other
 Type(1A-5D): _____ Material: _____ County: _____ Date Rec'd: _____ Time Rec'd: _____
 Location: _____ City: _____ Zip: _____ Info: _____
 Operators' Initials: _____ Inspector Assigned: _____ Inspection Time: _____ Inspection Date: _____

CONTRACTOR#: _____ Name: _____

SOURCE#: R# 11339 Name: Ash Grove Cement Co County: King

Street: 3801 E Marginal Wy So City: Seattle Zip: 98134

Mail: as above City: " Zip: _____ St: _____

ResPers: Gerald Brown Title: Safety Ph: 623-5596

SOURCE#: _____ Name: _____ County: _____

Street: _____ City: _____ Zip: _____

Mail: _____ City: _____ Zip: _____ St: _____

ResPers: _____ Title: _____ Ph: _____

ASBESTOS INSPECTION LEVEL: 0 ☐ Off Site 1 ☐ Pre-Rmvl 2 ☐ Post-Rmvl 3 ☐ Actv-Rmvl Type: _____ Cat#: _____

GENERAL INSPECTION LEVEL: 1 ☒ Off Site 2 ☐ Compliance 3 ☐ Measurements 4 ☐ Source Test

SUMMARY REPORT: Fallout on HASBRO cars analyzed as clinker Nov issued

INSPECTION REPORT: I received the Oms lab sample result of the

5/15/95 dust sample that I obtained from an automobile
that was parked on 48 So Nevada St. on 6/30/95

The sample was identified as 80% clinker and 20% cement
or clinker. I requested the unused samples, a copy
of the chain of custody, and the analytic results and
analytic procedures that were used by the lab. At 11:15 am
on 7/10/95, I obtained the chain of custody & unused samples
from Oms Laboratories. I signed the samples over the Stella N.
at approximately 12:30 on 7/10/95. She advised me that the
samples would be submitted to the PSAPCA custody locker on Mon
7/13/95. I received a signed affidavit from the Complainant

RECOMMENDATION: ☒ Close Case ☐ Deficiency Ltr. ☐ Office Conf. F/U Inspection ☐ Date _____

Other Action ☐ _____ ☐ A.O.D. Civil Penalty ☐ Amount _____

NOV#/Section 33673 Reg. I 911(u)

Inspector's Signature: [Signature] 7-18-95 Film No: F-1600-1192 fr #2,3,4,12 Page 1 of _____

COMPLAINANT: ☐ In Progress ☐ Impacting Complainant ☐ Sign Formal Complaint?

Name (b) (6)

Street (b) (6) City (b) (6) Zip (b) (6)

Home Ph _____ Work Ph _____ Complainant Advised _____

Comments Fall out on automobile

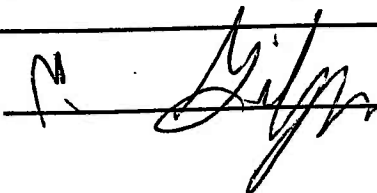
case # 95500560-1

7-18-95 16:00

from whos automobile I obtained the bulk sample
on 5-15-95.

On 7-18-95 at 16:00 I prepared Nov #
33673 citing Ash Grove for a 9.11(a) violation.

Signature



Date

7-18-95

**PUGET SOUND AIR POLLUTION CONTROL AGENCY
SECTION/COMPLAINT REPORT FORM**

| | | | |
|---------------|-----------------|--------------------|----------------------|
| ROUTING LIST: | 1. <u>RGR</u> ✓ | 2. <u>mmmm</u> 225 | 3. <u>[initials]</u> |
|---------------|-----------------|--------------------|----------------------|

CASE#: 95500911-1 ☐ Smoke ☐ Odor ☐ Fire ☒ Dust/Fallout ☐ WD Stove ☐ Asbestos ☐ Other
 Type(1A-5D): 2 County: KING Date Rec'd: 07/14/1995 Time Rec'd: MAIL
 Material: _____ Verified: _____
 Location: 3804 E MARGINAL WY S City: SEATTLE Zip: 98134 Info: _____
 Operators' Initials: AMG Inspector: EMG Inspection Time: _____ Inspection Date: _____

CONTRACTOR#: _____ Name: _____

SOURCE#: R11339 Name: ASH GROVE CEMENT COMPANY (E MARG.) County: KING
 Street: 3801 E MARGINAL WY S City: SEATTLE Zip: 98134
 Mail: 3801 E MARGINAL WY S City: SEATTLE Zip: 98134-1113 St: WA
 ResPers: GERALD BROWN Title: SAFETY/ENVIRONMENTAL Ph: 623-5596

SOURCE#: _____ Name: _____ County: _____
 Street: _____ City: _____ Zip: _____
 Mail: _____ City: _____ Zip: _____ St: _____
 ResPers: _____ Title: _____ Ph: _____

ASBESTOS INSPECTION LEVEL: ☒ Off Site 1 ☐ Pre-Removal 2 ☐ Post-Removal 3 ☐ Active Removal
 GENERAL INSPECTION LEVEL: 1 ☒ Off Site 2 ☐ Compliance 3 ☐ Measurements 4 ☐ Source Test

SUMMARY REPORT: _____
 INSPECTION REPORT: see report dated 7/18/95 16:00

RECOMMENDATION: ☐ Close Case ☐ Deficiency Ltr. ☐ Office Conf. F/U Inspection ☐ Date: _____
 Other Action: _____ ☐ A.O.D. Civil Penalty ☐ Amount: _____

NOV#/Section: 336.73 R-g I 9.11 (a)
 Inspector's Signature: [Signature] Film No. _____ Page 1 of _____
7/18/95

COMPLAINANT: ☒ In Progress ☐ Impacting Complainant ☐ Sign Formal Complaint?
 Name: (b) (6)
 Street: (b) (6) City: (b) (6)
 Home Ph: _____ Work Ph: _____ Complainant Advised: _____
 Comments: FORMAL COMPLAINT RE DUST ON CAR FROM SOURCE.

45500911-1

Case#

Formal Statement

| | | |
|--------------------|---------|------------------------|
| Name of Source: | (b) (6) | Ashgrove Cement Co |
| Address of Source: | (b) (6) | 3804 E Marginal Way S. |
| City: | (b) (6) | King |
| County: | King | Zip: (b) (6) |

Describe the problem in your own words: what type of pollution (i.e., dust, smoke, odor, etc.), where it is coming from and who do you think is responsible for causing or allowing the pollution. Describe any distress or ill effects caused by the pollution, and attach any physical evidence that you have, including: photographs, videotapes, receipts or estimates for repairs, doctor bills, etc. Attach additional sheets if necessary.

(b) (6)

On 5-15-95 when I came outside at 4:30 Scherry asked me for my ID to show for taking sample of dust from my car. I washed my car on 5-13-95 so it was clean. There was a lot of dust on my car. I did not go anywhere from 2:45 until 4:30. When I got in my car there was dust inside. The drivers side window is scratched from rolling it down with all the dust on it.

RECEIVED

JUL 13 1995

PUGET SOUND
AIR POLLUTION
CONTROL AGENCY

| | | | | | |
|------------|---------|--------|---------|------|---------|
| Your Name: | (b) (6) | | | | |
| Address: | (b) (6) | | | | |
| City: | (b) (6) | State: | (b) (6) | Zip: | (b) (6) |

Signing this form releases the Puget Sound Air Pollution Control Agency from any responsibility to protect your anonymity and may require your testimony.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

(b) (6)

Signature

7/11/95

Date and Place

RECEIVED

JUL 31 1995

AGCW-SEATTLE

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339
Cert. Mail No. 976267138

No. 33907

NOTICE OF VIOLATION

Date of Violation: 6-23, 19 95 at 8:30 a.m.

| | | | |
|---|-----------------------------------|--|--------------------------|
| Name <u>Ash Grove Cement Co.</u> | | Responsible Person, Title <u>Gerald Brown, Safety/Environmental Manager</u> | |
| Location of Violation (Address) <u>3801 E. Marginal Way S.</u> | City <u>Seattle</u> | Zip <u>98134</u> | County <u>KING</u> |
| Mailing Address <u>3801 E. Marginal Way S.</u> | City, State <u>Seattle, WA</u> | Zip <u>98134</u> | Phone <u>623-5596</u> |

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
☒ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
☒ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
☒ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
☐ Section 9.20 Failure to operate and maintain equipment in good working order.
☐ Section _____
☐ Section _____
☐ Section _____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Emissions observed at preheat end of kiln.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Issued By M. McFee7-27-95/1540
Date/Time

Received By _____

Signing this Notice is not an admission of guilt